

REMARKS

The present application has been reviewed in light of the Office Action dated April 22, 2003. Claims 66-68, 70-74, and 89 are presented for examination. Claims 66 and 89, the only claims in independent form, have been amended to define Applicant's invention more clearly. Favorable reconsideration is requested.

The Office Action states that the drawings are objected to for certain informalities noted in section 2. Submitted herewith are replacement drawings of Figs. 2 and 12, in which the noted typographical errors are corrected. Approval of the replacement drawings is respectfully requested.

The Office Action states that Claims 66-68, 70-72, and 89 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,421,429 (Merritt et al.); that Claim 73 is rejected under § 103(a) as being unpatentable over Merritt et al. in view of U.S. Patent No. 6,211,972 (Okutomi et al.); and that Claim 74 is rejected under § 103(a) as being unpatentable over Merritt et al. in view of U.S. Patent No. 5,872,845 (Feder), and further in view of WIPO Publication No. WO 97/10668 (Kulakowski). Applicant submits that independent Claims 66 and 89, together with the claims depending therefrom, are patentably distinct from Merritt et al. for at least the following reasons.

An aspect of the present invention set forth in Claim 66 is directed to an image communication method that utilizes a plurality of Internet facsimile modes and a G3 facsimile mode. According to the method, an Internet facsimile mode of a communication partner's apparatus is detected during communication in the G3 facsimile mode, in accordance with a first

procedure signal of the G3 facsimile mode; an address of the Internet facsimile mode is replaced by utilizing a second procedure signal of the G3 facsimile mode; and an image is transmitted in the detected Internet facsimile mode of the communication partner's apparatus by utilizing a replacement address. The plurality of Internet facsimile modes include a simple mode, a full mode, and a real time mode.

One of the notable features of Claim 66 is that the method detects an ability by utilizing the first procedure signal of the G3 facsimile mode, and replaces an Internet address by utilizing the second procedure signal of the G3 facsimile mode. By virtue of this feature, it is possible for an Internet facsimile communication to be performed in a suitable mode and in an efficient manner, by utilizing facsimile procedure signals.

Merritt et al. relates to a system that enables images to be communicated between dissimilar devices. Apparently, a calling device 30 sends an image via a network to a network image processing system ("image nodal processor") 10, which converts the image to a format and a protocol suitable for a called device 40. The network image processing system 10 then sends the converted image to the called device 40.

Nothing has been found in Merritt et al. that is believed to teach or suggest an image communication method that utilizes a plurality of Internet facsimile modes and a G3 facsimile mode, wherein the method includes "detecting an Internet facsimile mode of a communication partner's apparatus during communication in the G3 facsimile mode, in accordance with a first procedure signal of the G3 facsimile mode," as recited in Claim 66. Merritt et al. is not seen to show anything that relates to utilizing a facsimile procedure signal to

detect an Internet facsimile mode.

The Office Action points to column 5, lines 51-65, and column 11, lines 16-36, as disclosing the detection feature of Claim 66. However, the cited portion of Merritt et al. in column 5 is understood to relate to there being several access nodes for communication between the calling device 30 and the image nodal processor 10. Merritt et al. makes no suggestion that during a communication in the G3 facsimile mode between the calling device 30 and the image nodal processor 10 there is detected an Internet facsimile mode of the image nodal processor 10.

Further, the cited portion of Merritt et al. in column 11 is understood to relate to the use of a handshake procedure for the image nodal processor 10 to notify the calling device 30 of a format for sending an image to the called device 40, if the calling device 30 is to directly send the image to the called device. That is, Merritt et al. teaches that an intermediary device (the image nodal processor 10) is required to transmit format information between the calling device 30 and the called device 40. According to the method of Claim 66, an Internet facsimile mode is detected during communication in the G3 facsimile mode, and no intermediary device is required.

Additionally, nothing has been found in Merritt et al. that is believed to teach or suggest an image communication method that utilizes a plurality of Internet facsimile modes and a G3 facsimile mode, wherein the method includes "replacing an address of the Internet facsimile mode by utilizing a second procedure signal of the G3 facsimile mode," as recited in Claim 66. Merritt et al. is not seen to show anything that relates to utilizing a facsimile procedure signal to replace an address.

Applicant respectfully submits that with the method of Claim 66, it is not necessary to send and receive a specific new signal to detect an Internet facsimile mode or to replace an address, because the method utilizes facsimile procedure signals of the G3 facsimile mode. Merritt et al. is believed to be silent regarding such use of facsimile procedure signals.

Accordingly, Applicant submits that Claim 66 is not anticipated by Merritt et al. and respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e). Independent Claim 89 includes features similar to those discussed above, such as the use of facsimile procedure signals for detection and address replacement. Therefore, Claim 89 also is believed to be patentable for at least the above reasons.

The other rejected claims in the present application depend from Claim 66 and therefore are submitted to be patentable for at least the above reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.


This Amendment After Final Action is believed clearly to place the present application in condition for allowance. Therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

CONCLUSION

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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